



POLICE DEPARTMENT

-----X
In the Matter of the Disciplinary Proceedings :
- against - : FINAL
Police Officer Ari Tasci : ORDER
Tax Registry No. 953467 : OF
Housing Police Service Area 2 : DISMISSAL
-----X

Police Officer Ari Tasci, Tax Registry No. 953467, Shield No. 21629, Social Security No. ending in [REDACTED] having been served with written notice, has been tried on written Charges and Specifications numbered 2016-16779, as set forth on form P.D. 468-121, dated March 1, 2017, and after a review of the entire record, Respondent, having pleaded Guilty to Specification Nos. 2, 5 and 6 is found Guilty. Respondent is also found Guilty of Specification Nos. 1, 3 and 4.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer Ari Tasci from the Police Service of the City of New York.


JAMES P. O'NEILL
POLICE COMMISSIONER

EFFECTIVE: August 2, 2017

COURTESY • PROFESSIONALISM • RESPECT



POLICE DEPARTMENT

July 7, 2017

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In the Matter of the Charges and Specifications : Case No.
- against - : 2016-16779
Police Officer Ari Tasci :
Tax Registry No. 953467 :
Housing Police Service Area 2 :
-----X

At: Police Headquarters
One Police Plaza
New York, New York 10038

Before: Honorable Jeff S. Adler
Assistant Deputy Commissioner Trials

APPEARANCE:

For the Department: Samuel Yee, Esq.
Department Advocate's Office
One Police Plaza
New York, NY 10038

For the Respondent: John Tynan, Esq.
Worth, Longworth & London, LLP
111 John Street, Suite 640
New York, NY 10038

To:

HONORABLE JAMES P. O'NEILL
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NEW YORK 10038

COURTESY • PROFESSIONALISM • RESPECT

Charges and Specifications:

1. Said Police Officer Ari Tasci, while assigned to the 23rd Precinct, on or about September 29, 2015, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that Police Officer Tasci wrongfully used his position as a Member of the Service to gain access into a non-public facility for domestic violence victims to visit a person for a non-Department purpose. (*As amended*)
P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT – GENERAL REGULATIONS
2. Said Police Officer Ari Tasci, while assigned to the 23rd Precinct, on or about September 29, 2015, while on duty, wrongfully failed to take meal in either a police facility, bonafide restaurant, or Department vehicle and wrongfully failed to notify and provide required information to the radio dispatcher at the beginning and end of meal. (*As amended*)
P.G. 212-02, Page 1, Paragraphs 1, 2 & 6 – MEAL PERIOD – COMMAND OPERATIONS
3. Said Police Officer Ari Tasci, while assigned to the 23rd Precinct, on or about and between September 15, 2015 and November 15, 2015, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that Police Officer Tasci wrongfully engaged in an intimate relationship with a person, who had been the subject of an Emotionally Disturbed Person assignment on September 16, 2015.
P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT – GENERAL REGULATIONS
4. Said Police Officer Ari Tasci, while assigned to the 23rd Precinct, on or about September 29, 2015, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department in that Police Officer Tasci wrongfully engaged in sexual conduct while on duty.
P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT – GENERAL REGULATIONS
5. Said Police Officer Ari Tasci, while assigned to the 23rd Precinct, on or about October 20, 2015, wrongfully utilized a Department computer to conduct a database query unrelated to Department business.
P.G. 219-14, Page 1, Paragraph 2 – DEPARTMENT COMPUTER SYSTEMS – DEPARTMENT PROPERTY
6. Said Police Officer Ari Tasci, while assigned to the 23rd Precinct, on or about September 29, 2015, wrongfully failed to make accurate entries in his Activity Log regarding his whereabouts during his meal break as required. (*As amended*)
P.G. 203-05, Page 1, Paragraph 4 – PERFORMANCE ON DUTY – GENERAL – GENERAL REGULATIONS

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on May 25 and June 15, 2017. Respondent, through his counsel, entered a plea of Not Guilty to Specification Nos. 1, 3 and 4, and pleaded Guilty to Specification Nos. 2, 5, and 6. The Department called Sergeant Tania Tolentino, Regina Lucas and Person A as witnesses. Respondent called Officer Miguel Rivera as a witness, and testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

After reviewing the evidence presented at the hearing, and assessing the credibility of the witnesses, I find Respondent guilty of the charged misconduct.

FINDINGS AND ANALYSIS

This case involves allegations of inappropriate sexual conduct between Respondent and Person A, a 25-year old woman who was residing at a domestic violence shelter in [REDACTED] at the time of the incidents.

Person A, testified that beginning in May, 2015, she resided at the shelter with her son because she was homeless at the time. On September 16, 2015, she accidentally set fire to a mattress in her room when some candles on the window fell onto her bed. Police responded to the location, though Person A did not recall seeing Respondent there on that date. No one was hurt from the fire, but ACS temporarily removed her child from her custody. Person A was taken to the hospital for a psychiatric evaluation, and released a couple of hours later. (Tr. 43-45, 66-67)

According to Person A, two weeks later, on September 29, Respondent came to her room, in uniform, for what he told her was a follow-up visit regarding her son being removed. Person A testified that after asking her how she was doing, Respondent told her that she needed to "participate in the act" that was about to happen, or else she would be arrested in connection with the fire. Respondent then placed his hand on her mouth and came toward her on the bed. Person A claimed that she unsuccessfully tried to push Respondent away. Respondent pulled down his pants zipper, flipped Person A over, and proceeded to have sexual intercourse with her, before pulling out and ejaculating on her body. He also forced her to perform oral sex. Respondent then zippered up and left her room. (Tr. 47-52, 87) Person A insisted that the sex was not consensual, and that she participated only out of fear of losing her child and being locked up for the fire. She claimed that she banged on the wall for help, though her roommate didn't respond. (Tr. 52-53, 68-69)

Person A testified that later that same evening, Respondent called her "to finish unfinished business." They made arrangements for him to pick her up the next day. The following day, Respondent, in plain clothes and a personal car, picked up Person A and drove her to a hotel, where they had sexual relations. This time, unlike at the shelter, Respondent used a condom. Again, Person A claimed that "nothing was affectionate," and that she only participated based on the belief that she needed to do so in order to avoid being locked up. (Tr. 53-55, 65)

In the days that followed, Person A tried to contact Respondent through multiple texts and calls. Person A testified that she deliberately tried to "sweet-talk" Respondent in some of her communications, in a failed attempt to get him to be more communicative

and to admit that he had raped her. (Tr. 89-91, 101) Person A also testified that she did report Respondent's alleged misconduct to the District Attorney's Office, and on November 12, 2015, the DA's Office had Person A arrange a meeting between her and Respondent; Person A, who was wearing a recording device at the time, was not instructed on what information she should try to gather from the meeting. (Tr. 98-100) In connection with the fire incident, Person A testified that she was charged in Family Court with endangering the welfare of a child, but that charge was dismissed. She stated that she completed a parenting program, and her child was returned to her custody months later. (Tr. 63, 68)

Regina Lucas, a security guard at the [REDACTED] shelter [REDACTED] in [REDACTED], testified regarding her interaction with Respondent on September 29, 2015. That evening, Respondent, in uniform, walked into the location and informed Lucas that he was there to see Person A for a follow-up visit since her child had been removed. Lucas testified that the rules of the shelter did not allow for visitors, other than EMS, ACS, and police officers. Since Respondent was an officer, Lucas escorted him to Person A's room on the 4th floor. Respondent told Lucas, "I have it from here," and Lucas returned to her security bubble. About 45-50 minutes later, Respondent returned to the security area and was logged out. Lucas testified that Respondent appeared "very sweaty, looked disheveled, and like he was antsy." (Tr. 20-22, 25-26, 37)

Sergeant Tania Tolentino from IAB testified regarding various items of evidence she gathered in connection with this matter. With respect to the mattress fire on September 16, 2015, the sergeant obtained the incident report [REDACTED] (Dept. Ex. 3). That report indicated that Respondent was one of the officers who

responded to the location that day. (Tr. 117-120) Sergeant Tolentino also testified that she obtained the radio run from the time of the incident. According to that "Event Chronology" (Dept. Ex. 5), a call came through at 1455 for an aided patient, a female approximately 30 years old who was incoherent and had been smoking some unknown substance. At 1527 there was a follow-up, with EMS requesting an RMP for an emotionally disturbed person ("EDP"), who the sergeant testified was Person A. At 1555, Officer Nibal Pena responded to the shelter, with Respondent as a back-up officer. Person A was removed to the hospital to be examined as a possible EDP. (Tr. 126-130, 156, 158)

Video footage from the shelter on September 29, and Sergeant Tolentino's accompanying work sheet summarizing the footage, were introduced in evidence (Dept. Ex. 1 and 1A). That footage shows Respondent, in uniform, arriving at the shelter at about 2140 hours. He enters the security area, and is seen being escorted to Person A's room by Lucas. At about 2148, Lucas, alone, leaves the room and returns downstairs. Approximately 35 minutes later, Respondent is seen exiting Person A's room and returning to the security bubble. As he rides down in an elevator, Respondent is writing something in his memo book, and appears to be wiping his face repeatedly as if he were sweating. Also, the visitor's log from the shelter (Dept. Ex. 2) shows that Respondent is signed in at 2145 hours for an on-site follow-up visit. The officer is listed as off-site at 2225.

Sergeant Tolentino testified that she obtained Respondent's activity log from September 29 (Dept. Ex. 4). Respondent was assigned to a fixed post that day. In his log, Respondent noted that at 2130 hours he took his meal in his RMP, and that he

resumed his post at 2230. There is no mention of Respondent's going to the shelter, and no mention of Person A. The sergeant also reviewed the radio transmissions for that day, and testified that Respondent did not make any transmissions regarding his meal period on that date. (Tr. 121-123)

In addition to the video footage from the shelter, Sergeant Tolentino also reviewed video from the [REDACTED] from September 30, 2015. A compilation containing the relevant portions of that footage, and the sergeant's accompanying worksheet summary, were admitted into evidence (Dept. Ex. 6 and 6A). In that footage, Respondent and Person A are seen pulling into a hotel parking spot at about 1814 hours. They emerge from the car and embrace and kiss, before walking hand-in-hand to the hotel entrance. A camera inside the location shows them approach the front window, where Person A shows the clerk identification and fills out a form, while a smiling Respondent pays cash for the hotel room. Together they walk upstairs to their room, which they enter at 18:19:26. Approximately two hours later, Respondent and Person A exit the room, return downstairs, and leave the hotel. Also introduced into evidence were the hotel records (Dept. Ex. 7), including the registration card filled out by Person A, and a hotel guest list showing that "[REDACTED]" was given Room 212 at 1818 hours.

Sergeant Tolentino also testified about telephone communications between Respondent and Person A, beginning the night of September 29, 2015 and going until October 29, 2015. From the cell phone records the sergeant obtained for Respondent's phone, IAB prepared a summary of their calls and texts to each other (Dept. Ex. 8). That report indicates that during the time period, Respondent called Person A 20 times and texted her on 8 occasions (all 8 texts were on September 30), while Person A called

Respondent 21 times and texted him on 20 occasions. (Tr. 135-141) According to Sergeant Tolentino, there were no calls or texts between those numbers from September 16 until the first call was made on the evening of September 29. Also, there was no record of Respondent making any departmental computer checks on Person A during that time period. (Tr. 159-161)

The sergeant testified that IAB opened their investigation after receiving a call from an Assistant District Attorney on October 26, 2015. Sometime in November of 2015, someone from the DA's Office set up a controlled meeting between Person A and Respondent, with the hope of getting a recorded admission from the officer. On July 19, 2016, ADA Lucey informed the sergeant that the DA's Office was closing their investigation and would not be pursuing criminal charges against Respondent. (Tr. 150, 165-167)

Officer Miguel Rivera, who at the time of the incidents was a domestic violence officer assigned to the 23rd precinct, testified that on October 8, 2015 he had a conversation with Person A to see how she was doing. Officer Rivera described Person A's appearance as disheveled, and believed she possibly was intoxicated. They first discussed her situation regarding her child, and then Person A complained to Officer Rivera that Respondent was not answering her calls. After that conversation, Officer Rivera contacted Respondent and asked him if he was "seeing anybody" in the vicinity of the shelter. Officer Rivera suggested to Respondent that he call Person A. The following day, Officer Rivera asked Respondent whether he had called Person A, and Respondent stated that he had called her. (Tr. 190-195)

Respondent testified that on September 16, 2015, he and his partner Officer Pena, who were regular patrol officers with the 23rd Precinct, responded to the shelter and spoke with EMS workers who already were on the scene. One of the workers told the officers that Person A had walked off while they were trying to speak with her, and suggested that Person A should be evaluated. Staff employees from the shelter described Person A's demeanor after the fire as "nonchalant", and they informed the officers that she might have smoked something that she shouldn't have." Respondent and his partner located Person A at a deli about a half-block away. According to Respondent, Person A seemed surprised that they were there and apprehensive about speaking with the officers regarding what had happened, and they tried to calm her down. They escorted Person A back to the shelter, and then arranged for her to be transported by ambulance to [REDACTED] Hospital for a psychiatric evaluation. Respondent explained that the officers were concerned that Person A did not seem to be in the right state of mind, and she was still not really understanding why we were there." (Tr. 211-218, 257-258)

Between September 17 and September 28, Respondent saw Person A one time in passing, but otherwise had no contact with her. (Tr. 219-220)

Respondent testified that on September 29, he was assigned to the Terrahawk Vehicle, which was parked at a fixed location on 1st Avenue in order to deter crime. At approximately 2100 hours he began his meal period, and walked on [REDACTED] Street toward 2nd Avenue with the hope of finding an open place that sold food. As he walked past the shelter, Respondent suddenly thought of Person A ("it just kind of hit me"), and he decided to go inside to check on her instead of eating. (Tr. 220-223) Security escorted Respondent to Person A's room and he asked Person A how she was doing, but she

appeared apprehensive and did not seem to recall meeting Respondent two weeks earlier. (Tr. 225-228, 252-254)

According to Respondent, Person A asked him to come inside her bedroom to continue the conversation in private. He sat on her bed, and they began to discuss her situation. Respondent, who was in full uniform, tried to console her, and even mentioned to Person A that there were times where he was almost homeless. Respondent claimed that Person A inched closer to him on the bed, leaned in, and kissed him passionately. He proceeded to have sex with her, with his uniform on. Afterward, they exchanged phone numbers, and talked about the possibility of meeting somewhere else later. Respondent left the shelter and returned to his vehicle. He acknowledged that he did not put his location over the radio, and made no mention of his visit with Person A in his activity log, since he did not consider it an official police visit. (Tr. 228-234, 249, 255-256, 258-262)

Respondent testified that on September 30, he had phone contact with Person A, and made arrangements to pick her up after his tour ended. They drove to the [REDACTED] where they again had sex. Afterward, they drove to a restaurant where Respondent ordered food for which Person A insisted on paying, and then he drove her back to the shelter. (Tr. 235-239, 263-264) Respondent claimed that he reflected on the nature of his relationship with Person A, and determined that it was "an affair of the heart" that wasn't worth pursuing any further. As he dropped off Person A, Respondent told her that it was going to be difficult to meet each other again, which angered Person A. (Tr. 239-240)

Over the ensuing weeks, Person A continued to call and text Respondent, questioning whether he was a police officer, and asking whether her ex-boyfriend had

sent him to intimidate her. A recording of five messages left by Person A, at least four of which were from calls arranged by the DA's Office, was admitted as Respondent Ex. A. In those messages, a persistent Person A repeatedly stresses that she wants to talk with Respondent, and even threatens that she will "go in and ask for (him)" if he didn't answer her calls. (Tr. 240-243)

Respondent acknowledged that in October of 2015, he used a departmental computer to make an unauthorized record check on behalf of a friend, Person B, who was in the process of applying for a job. (Tr. 247-248, 265)

The allegations in Specifications 2 and 6 both allege misconduct on September 29. Specification 2 charges Respondent with failing to take his meal in either a police facility, bona fide restaurant, or Department vehicle. Respondent also is charged in that specification with failing to notify and provide the radio dispatcher with required information during his meal, all in violation of Patrol Guide section 212-02 that sets forth rules regarding "Meal Period." Specification 6 charges Respondent with failure to make accurate entries in his activity log regarding his location during his meal, also in violation of that patrol guide section. Before trial, Respondent pled guilty to each of these specifications, and admitted his guilt in his trial testimony as well. Accordingly, I find Respondent guilty of Specifications 2 and 6.

Specifications 1 and 4 also both allege that Respondent committed misconduct on September 29. Specification 1 charges Respondent with using his position as a member of the service to gain access to the shelter that evening, in order to visit Person A for a non-Department purpose. Specification 4 alleges that Respondent then wrongfully engaged in sexual conduct with Person A while he was on duty. It is the Department

Advocate's position that Respondent went to the shelter with the intention of having sexual relations with Person A, and that he used his status as a police officer in order to gain entry into her room, where they then had sex. Counsel for Respondent counters that the purpose of the visit was to check on Person A, and that the sexual activity that followed was unanticipated.

The security officer, Lucas, credibly testified that visitors are not allowed at the shelter; only police officers, EMS workers, and ACS employees are permitted to visit the residents. Respondent, who was in full uniform at the time, informed Lucas that he was there for a follow-up visit with Person A. Respondent used his status as a member of the service in order to gain access to Person A, pretending that he was there merely to check on her well-being. Respondent arranged to be alone with Person A inside her bedroom, where it is undisputed that they did have sex.

This tribunal does not credit Respondent's testimony that his intentions in going to the shelter, at *2140 hours*, were as altruistic as he suggested. He offered only a vague justification for visiting her at that hour, stating that he was "generally concerned" for the well-being of Person A and her child. His claim that he went there in order to check on Person A's condition is belied by the fact that he made absolutely no mention of the visit in his activity log, even though the video footage appears to show him writing in his memo book as he rides down in the elevator after leaving Person A's bedroom. Further, Respondent did not call the radio dispatcher with his location, and did not prepare any reports afterward. Respondent's excuse, that he did not consider this an official police visit since it was during his meal break, defies common sense and is unpersuasive, particularly since the encounter occurred in the middle of his tour. The more credible

explanation for Respondent's choice not to document his whereabouts, in violation of the patrol guide, is that he knew he was at the shelter for an illicit purpose, and did not want to draw more attention to it.

Counsel for Respondent is correct that recent police commissioners have stressed how officers "need to get in touch with the citizens that they patrol amongst because they're the people they need to protect, they're the people they need to understand, and they're the people they need to help." However, it makes a mockery of the Department's goals to suggest that what occurred here is the type of community interaction that is envisioned, and that what Respondent did was in any way, shape, or form protective of Person A. Instead, what occurred was violative of the public trust. Respondent's visit to the shelter was not born of benevolence; rather, he wrongfully used his status as a police officer to gain entry into Person A's bedroom in order to have sexual relations with her. Once they were alone inside her bedroom. Respondent, who was on-duty and in uniform, had sex with Person A. Accordingly, I find Respondent guilty of Specifications 1 and 4.

Specification 3 charges Respondent with wrongfully engaging in an intimate relationship with Person A, who had been the subject of an EDP assignment on September 16. It is undisputed that a call came over the radio that EMS was requesting a police response for an EDP, and that Respondent and his partner did, in fact, escort Person A to the hospital for a psychiatric evaluation. There also is no dispute that Respondent went to Person A's bedroom at the shelter two weeks later where they had sex, and that the next day they went to a hotel together where they again had sexual relations.

Respondent argues that it was Person A who initiated the sex between them, and that their relationship was consensual. From her demeanor on the stand and her

description of events, Person A often came across as streetwise. In the video footage from the hotel, Person A does appear to be with Respondent willingly. Despite her testimony that she informed multiple authorities that Respondent had forcibly raped her, Respondent never was arrested, and no such criminal charges were brought against him.

However, even if Person A went to the hotel voluntarily, and even if the sex was not forcible, events only reached that point because Respondent abused his authority as a police officer the day before. There were multiple red flags that should have alerted Respondent to Person A's emotional instability: she was a [REDACTED] residing with her son at a family homeless shelter; she was involved in a fire of uncertain origin that occurred inside her bedroom; ACS removed her child from her custody as a result of the fire; EMS and staff from the shelter suspected her of being an EDP, and suggested that she was acting as if she had smoked some form of controlled substance; Respondent, himself, observed her erratic behavior after the fire, and how she didn't appear to grasp the seriousness of the situation, and escorted her to the hospital for a psychiatric evaluation.

Despite all of these cautionary signs and vulnerabilities, Respondent initiated a sexual encounter with Person A on September 29. While on duty and in full uniform, Respondent abused his status as a member of the service to gain entry to the shelter, and then arranged to be alone with Person A inside her bedroom. Once inside, Respondent showed no restraint as he intentionally engaged in sexual relations with Person A. Respondent then exacerbated the situation by communicating with her by phone the next day, including while Respondent was on duty. After his tour ended, Respondent picked up Person A and drove her to a hotel, where they again engaged in sex.

Their "intimate relationship" may essentially have ended after September 30, but that was two days too late. Respondent wrongfully took advantage of Person A at a time when he was well aware of her vulnerability, and I find him guilty of Specification 3.

Specification 5 concerns an unrelated incident, charging Respondent with conducting an unauthorized database search on a Department computer. Before trial, Respondent pleaded guilty to this specification. In his trial testimony, Respondent acknowledged that in October of 2015, he used a departmental computer to make an unauthorized background check on behalf of a friend, Person B, who was in the process of applying for a job. Accordingly, I find Respondent guilty of Specification 5.

PENALTY RECOMMENDATION

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on July 11, 2012. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has been found guilty after trial of three specifications, and he pleaded guilty to three additional specifications before trial commenced. The Department Advocate recommends termination in this case, while counsel for Respondent urges a lesser penalty. Toward that end, counsel cites multiple cases in which a penalty less than termination was imposed for what he argues was comparable misconduct. In particular, counsel stresses *Disciplinary Case No. 12182/14* (May 1, 2015), where an officer who was demoted from detective negotiated a penalty of 30 vacation days, 10 suspension

days, and one-year dismissal probation for having intimate contact with an alleged rape victim while meeting with the victim out of state in order to interview her.

The Department Advocate argues that the cases cited by Respondent are distinguishable from the present one. In *No. 12182/14*, for instance, the complainant was a blogger who had relocated to Seattle, that case only involved kissing on one occasion, and according to the Advocate, there was no attempt by the officer to conceal the misconduct afterward. Additionally, the Advocate cites *Disciplinary Case Nos. 13794/15 and 13805/15* (Jan. 3, 2017), where a six-year officer was dismissed from the Department for requesting that a female prisoner who he arrested for shoplifting expose her breasts to him in exchange for agreeing to issue her a DAT, and for sending her sexually explicit text messages.

A review of these and other cases reveals that there is precedent both for dismissal and for a lesser penalty. Each case presents a unique situation, and an independent determination needs to be made based on the particular facts presented. After assessing the totality of circumstances in this matter, this tribunal concludes that dismissal from the Department is warranted here.

Respondent's conduct in this case was egregious, and constituted a serious breach of the public trust. At the time he chose to pursue an intimate relationship with Person A, Respondent should have recognized the need to proceed with much greater caution and restraint than he demonstrated. Person A, who was living at a family shelter with her son, carelessly allowed her mattress to catch fire. Her behavior after the fire was erratic enough that Respondent escorted her to a hospital for a psychiatric evaluation, as a possible EDP who may have smoked a controlled substance. Her child was removed

from her custody by ACS, and she, herself, feared that she might be arrested in connection with the fire.

The public has a right to rely on police officers to be the protectors of people in such a situation, not to prey on their vulnerability. See, eg., *Disciplinary Case Nos. 8-4351/08 and 8-4446/08* (Jan. 11, 2011) (where a school safety agent was dismissed from the Department for having sex with a 17-year old high school student, even though the sex was consensual). Rather than conduct himself in a manner befitting his profession, Respondent exploited his position as an on-duty officer to gain a private audience with Person A in her bedroom, where the two of them had sex. Respondent's claim that he just happened to be passing by the shelter when he thought of Person A, and decided, at 2140 hours, to check on her well-being, was a completely unconvincing attempt at shirking responsibility for his actions. Indeed, Respondent demonstrated his consciousness of guilt afterward by deliberately choosing not to inform the radio dispatcher of where he spent his meal period, and failing to make any reference to it in his activity log.

Respondent's misconduct did not stop there. He made phone contact with Person A the next day, even while on duty, in order to arrange for another tryst. When his tour ended, Respondent picked up Person A and drove her to a hotel, where they again had sexual relations. At some point after that second encounter, Respondent claimed that he recognized that his involvement with Person A was merely "an affair of the heart", and that it would be best for them not to pursue their relationship any further. Notably absent from Respondent's testimony was any genuine acknowledgement that he never should have gone down that path in the first place. Respondent's epiphany appeared to be more

in the nature of a realization that the two of them had no future together, not that he had abused his position as a police officer to prey upon an emotionally fragile woman.

With his actions on September 29 and 30, Respondent demonstrated that he does not possess the self-control or sound judgment to continue as a member of the Department. Taking into account the totality of facts and circumstances in this matter, I recommend that Respondent be DISMISSED from the New York City Police Department.

Respectfully submitted,



Jeff S. Adler
Assistant Deputy Commissioner Trials

APPROVED

AUG 02 2017

JAMES P. O'NEILL
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER ARI TASCI
TAX REGISTRY NO. 953467
DISCIPLINARY CASE NO. 2016-16779

Respondent was appointed to the Department on July 11, 2012. On his last three annual performance evaluations, Respondent received 3.0 overall ratings of "Competent" in 2014, 2015, and 2016.

On November 19, 2015, Respondent was placed on modified assignment, which remains ongoing. From May 9, 2016, to February 13, 2017, Respondent was placed on Level I Discipline Monitoring. On February 13, 2017, Respondent was placed on Level II Discipline Monitoring in connection with this case; that monitoring remains ongoing.

Respondent has no prior formal disciplinary history.

Jeff S. Adler
Assistant Deputy Commissioner Trials